



AGENDA

November 16, 2022

1. Call to Order.
2. Roll Call.
3. Pledge of Allegiance.
4. **Resolution # 1**

Accept the minutes from the IDA/IDC Board Meeting of October 19, 2022.

5. **Resolution # 2**

Accept the minutes from the Public Hearing held November 15, 2022, for the Emmi Dessert USA, LLC Project.

6. Chief Executive Officer's report.
7. Old Business.
8. New Business.
9. Adjournment.

BABYLON INDUSTRIAL DEVELOPMENT AGENCY

IDA/IDC MEETING MINUTES

October 19, 2022

Present: Tom Gaulrapp, Chairman
Justin Belkin, Vice Chairman
Paulette Laborne, Secretary
Marcus Duffin
William Celona
William Bogardt
Rosemarie Dearing
Vincent Piccoli
Carol Quirk

Also Present: Thomas Dolan, Chief Executive Officer
Frank Dolan, Chief Operations Officer
David Batkiewicz, Special Projects Manager
Joseph Ninomiya, Special Projects Manager
Antonio Martinez, Deputy Supervisor
William Wexler, Agency Counsel

A quorum being present, the meeting was called to order at 8:07 A.M.

A resolution was made by Justin Belkin and seconded by Paulette Laborne to accept the amended minutes from the IDA/IDC Board Meeting of September 14, 2022. All in favor, motion carries.

A resolution was made by William Celona and seconded by Paulette Laborne in favor of a resolution adopting an amendment to the Fee Policy. All in favor, motion carries.

A resolution was made by William Celona and seconded by Rosemarie Dearing in favor of a resolution authorizing an amendment to project documents relating to the Florio Food Corp., d/b/a Cannoli Factory Project. All in favor, motion carries.

A resolution was made by Marcus Duffin and seconded by Vincent Piccoli in favor of a resolution permitting the Termination of Lease and Project Agreement and Company Lease and authorizing the Chief Executive Officer to convey the Facility Equipment and terminate the Sales Tax Exemption regarding the premises located at 25 & 45 Brook Avenue, Deer Park, New York 11729 (SCTM# 0100 118.00 03.00 030.000 & 031.000), to DFA, LLC. All in favor, motion carries.

A resolution was made by Rosemarie Dearing and seconded by Paulette Laborne in favor of a resolution permitting the Termination of Lease and Company Lease and authorizing the Chief Executive Officer to convey the Facility Equipment and terminate the Sales Tax Exemption regarding the premises located at 590 Oak Street, Copiague, New York (SCTM# 0100 198.00 02.00 004.000), to R.R. 590 Oak Family Limited Partnership. All in favor, motion carries.

A motion was made by William Bogardt and seconded by Rosemarie Dearing to approve the 2023 Budget. All in favor, motion carries.

CEO Report

Mr. Dolan stated that he wanted to thank the staff for doing an exceptional job last month, after COVID infected several staff members. Mr. Dolan said that he especially wanted to thank Susan Hatalski for her work throughout the budget process. Mr. Dolan informed the Board that the October meeting would be the last Agency Board meeting in the Old Town Hall court room for the 2022 year because the Town Historian's office is setting up their annual train display. Mr. Dolan said Agency staff would keep the Board informed as to the location of the next few meetings.

Old Business

No old business.

New Business

No new business.

A motion was made by William Bogardt and seconded by Paulette Laborne to adjourn the meeting. All in favor, motion carries.

Babylon Industrial Development Agency
Public Hearing for A & F Fire Protection Co., Inc. / A &F Building LLC
December 11, 2017

Present: David Batkiewicz
Joseph Ninomiya

Public hearing called to order at 1:00 P.M.

No one from the public was in attendance.

LEGAL NOTICE

Public Hearing

NOTICE is hereby given pursuant to Article 18-A of the General Municipal Law of the State of New York (the "Act"), that the Town of Babylon Industrial Development Agency (the "Agency"), will hold a public hearing on the proposed granting of financial assistance to Emmi Dessert USA LLC (the "Company"), a limited liability company organized and existing under the laws of the State of New York, with respect to a project (the "Project") consisting of a manufacturing and distribution facility located at 75 Wyandanch Avenue in Wyandanch, New York for use by the Company as a facility for the manufacture and distribution of specialty foods and desserts (the "Facility"), all for use by the Company.

Company: Emmi Dessert USA, LLC, 75 Wyandanch Avenue, Wyandanch, New York 11798.

Facility Location is: 75 Wyandanch Avenue, Wyandanch, New York 11798.

Public Hearing: All persons, organizations, corporations or governmental agencies are invited to submit comments concerning the granting of financial assistance. The hearing will be held on November 15, 2022 at 1:00 P.M. at 47 West Main Street in Babylon, New York.

Participation at the Hearing: Persons desiring to submit comments concerning the Facility and the financial assistance to be granted thereto should contact the Town of Babylon Industrial Development Agency, 47 West Main Street, Babylon, New York Attention: Thomas E. Dolan, Chief Executive Officer, at (631) 587-3679 on or before November 14, 2022 at the office of the Agency. Written comments can be submitted prior to the hearing at that address. The Agency reserves the right to limit the time available to any person presenting comments. If you do not want to participate in the hearing, but would like to watch or listen to the proceeding, you may view a livestream of the meeting. Interested parties may view a livestream of the meeting online on the Town of Babylon IDA's YouTube channel. To access the YouTube channel go to the IDA's website at www.babylonida.org/documents. The second item on the documents page is titled "Meeting Videos and Livestream", click this tab and follow the link provided. If you would like to access the IDA YouTube page directly from your browser you may insert the following World Wide Web address:

(https://www.youtube.com/channel/UCqQ5ixdVnmsmvSOsD4KnA?view_as=subscriber)

The meeting was closed by David Batkiewicz at 1:02 P.M.

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** Admitted in NY, NJ & PA

November 11, 2022

William D. Wexler, Esq.
Town of Babylon
Industrial Development Agency
47 West Main Street, Suite 3
Babylon, New York 11702

**Re: 1030 Grand Boulevard, LLC / ABLE WeldBuilt Industries, Inc.
Town of Babylon Industrial Development Agency
1030 Grand Boulevard, Deer Park, New York**

Dear Mr. Wexler:

Our firm acts as in-house counsel to 1030 Grand Boulevard, LLC (“The Company”), ABLE WeldBuilt Industries, Inc. (“WeldBuilt”), ABLE Equipment Rental, Inc. (“Equipment”), ABLE Rigging Contractors, LLC (“Rigging”), and other entities owned and/or controlled by Steven Laganas. As you know, The Company entered into a lease Agreement with the Town of Babylon Industrial Development Agency (“IDA”) dated October 30, 2015 whereby both parties agreed that WeldBuilt would have a base employment number of 35 at 1030 Grand Boulevard, Deer Park, New York (“the Premises”).

It has recently come to our attention that WeldBuilt erroneously underreported to the IDA the number of employees working at the Premises from 2018 through 2021. This underreporting was due to a mistaken belief that only the direct employees of WeldBuilt should be reported; upon further review, the agreement with the IDA permits the employees of affiliated companies who worked at the Premises to also be counted towards the minimum employment requirements.

To be sure, WeldBuilt failed to report employees who worked full-time or part-time from the affiliated Equipment and Rigging entities (collectively the “Affiliated Companies”).¹ The enclosed spreadsheet lists the employees of Affiliated Companies working at the Premises during the subject timeframe. You’ll note that many of the employees of the Affiliated Companies are listed as part-time (.5); that is because their duties require them to split their time between the Premises and the adjacent property at 1050 Grand Boulevard. Based upon this new information, the correct employee counts are as follows:

¹ WeldBuilt, Equipment, and Rigging are each owned and/or controlled by Steven Laganas.

- In 2018, there were the equivalent of 33 full-time employees working at the Premises. This includes the 12 full-time employees who worked directly for WeldBuilt (who were previously reported) plus 9 full-time and 24 part-time employees from the Affiliated Companies who worked at the Premises but were not previously reported.
- In 2019, there were the equivalent of 30.5 full-time employees working at the Premises. This includes the 13 full-time employees who worked directly for WeldBuilt (who were previously reported) plus 6 full-time and 23 part-time employees from the Affiliated Companies who worked at the Premises but were not previously reported.
- In 2020, there were the equivalent of 27 full-time employees working at the Premises. This includes the 12 full-time employees who worked directly for WeldBuilt (who were previously reported) plus 5 full-time and 20 part-time employees from the Affiliated Companies who worked at the Premises but were not previously reported.
- In 2021, there were the equivalent of 22.5 full-time employees working at the Premises. This includes the 5 full-time employees who worked directly for WeldBuilt (who were previously reported) plus 5 full-time and 25 part-time employees from the Affiliated Companies who worked at the Premises but were not previously reported.

From 2018 to present, the number of WeldBuilt employees has steadily decreased as a direct result of the COVID-19 pandemic. Indeed, WeldBuilt has substantially ceased operations this year due to the enduring supply chain issues and cancelled/delayed orders resulting from COVID-19. Nonetheless, the Affiliated Companies continue to make use of the Premises and have full-time and part-time employees working at the Premises. Moreover, it is Mr. Laganas' intention to relocate additional operations to the Premises by year-end.

We respectfully request that the IDA agreement be amended to remove WeldBuilt and add in its place any entity owned and/or controlled by Mr. Laganas so as to fulfill the Lease Agreement to our mutual satisfaction.

We sincerely hope that our clients continue to have the support of the IDA as all parties strive to cultivate the economic development of the Town of Babylon. Please do not hesitate to contact me if you require any additional information.

Very truly yours,


Amanda C. Kaufold

ACK:jkm
Enclosures



**Moritt Hock
& Hamroff** LLP
ATTORNEYS AT LAW

Dylan Saperman
Partner
Email: dsaperman@morithock.com

September 14, 2022

**VIA EMAIL AND
FEDERAL EXPRESS**

Town of Babylon Industrial
Development Agency
816 Deer Park Avenue
North Babylon, New York 11703
Attn.: William D. Wexler, Esq.

Re: Town of Babylon Industrial Development Agency with Human First, Inc.
One Michael Avenue, Farmingdale, New York 11735

Mr. Wexler:

I am counsel to Human First, Inc. ("Human First"), the lessee under that certain Lease Agreement ("Lease") dated November 25, 2014 between Town of Babylon Industrial Development Agency ("IDA") and Human First in connection with the property located at One Michael Avenue, Farmingdale, New York 11735 (the "Premises"). I am writing in response to your letter to my client dated August 29, 2022 and pursuant to our telephone call on September 7, 2022 in connection with your declaration of my client's default under the Lease.

As background, Human First is a 501(c)(3) not-for-profit organization serving the developmentally disabled communities of New York City and Long Island. Their mission is to provide enhanced opportunities for individuals with special needs to reach their personal goals. Through the development of effective support systems for previously underserved populations, Human First impacts the lives of more than 1,400 families across New York City and Long Island. They deliver a range of person-centered services, including Individualized Support Services, Service Coordination, Community Habilitation, Day Habilitation and Residential Services. Known for serving individuals who are emotionally challenged and medically frail, Human First has been recognized for their outstanding contributions to high quality care.

Human First has been providing Day Habilitation services at the Premises since they commenced occupancy of the Premises in 2014 pursuant to a lease with the owner of the Premises that expires in 2024 (the "Underlying Lease"). However, when COVID-19 arrived in the Spring of 2022 and New York State issued various public health emergencies, operations at the Premises were forced to be conducted remotely. As a result, Human First was not able to



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continue to employ all of its employees. With the approval of NYS Office for People with Developmental Disabilities (the NYS department that approves and funds many of Human First's programs), Human First transferred its habilitation programs at the Premises, people supported, and staff to Family Residences and Essential Enterprises, Inc. (FREE), another Long Island non-profit provider agency that also serves individuals with intellectual and developmental disabilities. As FREE is a larger agency, they had a greater need for Human First's staff during COVID-19. This transfer allowed for the continuation of habilitation services previously provided by Human First at the Premises to be continued with the same staff but at different locations and now employed by FREE.

The result of the above was a reduction in the number of full-time and full-time equivalent employees in the reporting period covering 1/1/2021 – 12/31/2021 as evidenced in Human First's reporting requirement to the IDA under the Lease. As indicated above, the reduction in employment was primarily due to COVID-19 preventing in person day habilitation programs and the resulting transfer of employees to FREE. The reduction in employees was actually in an effort to maintain the continuity of services that Human First provides to people with intellectual and developmental disabilities and in an effort to save many of the jobs of the staff serving the individuals by having them transfer to FREE.

On behalf of Human First and in light of the foregoing I am requesting that the IDA waives or rescinds Human First's default under the Lease and allows the Lease to continue until the Underlying Lease expires on October 31, 2024. We feel that since this is not a typical situation of a for profit business moving out of Babylon and commencing layoffs, the fact that the reduction in staffing actually helped with the continuity of services that Human First provides and the fact that there is only 2 years left on the Underlying Lease it would be appropriate to waive or rescind the default.

I thank you for your consideration of the foregoing and please reach out to me with any questions or if you need any other information.

Sincerely,

Dylan Saperman